

as our point person on this JOHN BREAU, and he has had contact with the majority to try to come up with something on this issue. I think we are very close to working something out.

Healthy Forests, as the leader knows, is a difficult issue. For Western States it is extremely important. We hope that can be resolved quickly.

I bring to the leader's attention, however, we also have those appropriations bills we need to do. I spoke very briefly this morning with the distinguished Presiding Officer. He has been in contact, as I am sure the leader knows, with Senator BYRD. Maybe there is still something we can do on those appropriations bills to get, if not all of the six we have not passed here done, at least some of them completed. We have those most important conferences. We have had, as far as I am concerned, a difficult time getting a conference completed on the energy and water appropriations bill. That has been a bill we usually bring up first because it is so important to Members in the House and Senate. I spoke this morning to Majority Leader DELAY, saying we need a little help from the leadership in trying to move that.

I hope, in addition to these other important items the leader has mentioned, we can work together to come up with some program to get some of the appropriations bills passed. I think it is important for the country.

Mr. FRIST. Mr. President, I appreciate the comments just made by my colleague and I think his comments reflect the amount of work we absolutely must accomplish in the next few days. I say that because in terms of the numbers of days in the weeks remaining, there are very few legislative days. We should all redouble our efforts and focus on each and every one of these bills. They are all very important.

I know it may seem, as the Republican leader, I am encouraging the resolution of these bills by bringing them to the floor. That is exactly what I am doing, so we can all redouble our efforts to accomplish what really we want to do mutually: Go through each of these, have the appropriate debate and amendment on the floor as we go forward.

Mr. REID. One bill I did not mention that I feel strongly about is fair credit reporting. That is also very important. I bet my office has received 100 phone calls in the last couple of legislative days dealing with that legislation. We hope something can be worked out on that also.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning

business until the hour of 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHINSON, or her designee.

The majority leader.

#### ECONOMIC GROWTH

Mr. FRIST. Mr. President, on leader time, I want to make a very brief comment to highlight a few of the encouraging developments on our economic front. I know we will be going to morning business, and some of my colleagues will be talking shortly on the issue of our economy and where we are in terms of jobs and job creation.

There have been some very encouraging developments on the economic front. When the third quarter GDP figures are released next week, it is anticipated we will very possibly see growth as high as 6.5 percent. All signs, at this point, point to a very robust holiday buying season.

The Department of Commerce reports consumption is strong. In the third quarter, consumption grew by an annual rate of over 12 percent. Many economists tell us this third quarter consumption may be the strongest we have seen over the last 4 years—again, very good news.

Likewise, the Department of Labor reports the initial jobless claims are at their lowest levels since February. In August, the nonfarm sector employment rose by 57,000 jobs. In the area of manufacturing, mid-Atlantic manufacturing is showing promising signs of recovery. The index for new orders showed the highest gains in 8 years, and the monthly index of regional manufacturing significantly topped the economists' expectations. Inflation, meanwhile, remains very low. Short-term interest rates are also at historically low levels. There is much to cheer about in this positive news.

Smart, progrowth fiscal policy is helping lead this creation of new jobs. But we have a lot more work to do. There are some structural problems we need to tackle on this Senate floor in order to strengthen the marketplace. We need a more efficient marketplace, a more transparent marketplace. We need to make it less risky for businesses to go out and hire workers and to retrain those workers, and we can do that by focusing on appropriate reforms such as strengthening trade; reducing health care costs; reducing litigation costs; reducing insurance costs; strengthening energy policy, which we are doing in conference right now; and, I would also add, enacting strong asbestos reform. These are the sorts of policies that will increase productivity. They will increase predictability in the marketplace, and they ultimately will stoke the engines of economic growth.

I am really, for the first time, becoming optimistic that we have turned this

corner and that we will see continued improvement. The agenda items we are working on to complete this session—many of which we just discussed—will lead to more jobs, more prosperity, and a solid economic recovery.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

Mr. REID. Will the Senator yield for a request?

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, before the majority leader leaves, I ask unanimous consent that in morning business each side get their full half hour. That would extend the vote a few minutes this afternoon.

The PRESIDENT pro tempore. That would add 12 minutes to the time.

Mr. REID. Yes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Does the Senator from Nevada yield time?

Mr. REID. Yes. Mr. President, I yield 15 minutes to the Senator from North Dakota, Mr. DORGAN; 5 minutes to Senator KOHL; and 10 minutes to Senator STABENOW.

The PRESIDENT pro tempore. I thank the Senator.

The Senator is recognized.

#### APPROPRIATIONS, ENERGY, AND CUBA TRAVEL

Mr. DORGAN. Mr. President, let me make a comment about the appropriations bills, then about the Energy conference, and then I want to talk a bit about the Department of Homeland Security and the ban on travel to Cuba.

First, the appropriations bills.

Our colleague, the majority leader, Senator FRIST, talked just a bit about that today in response to questions by the Senator from Nevada. My understanding is the bills are all ready to come to the floor of the Senate. We were told in early September that we would, when returning from the August break, be on appropriations bills. We passed all 13 appropriations bills through the Appropriations Committee in the Senate. Yet since we passed a continuing resolution, because we did not have the appropriations bills done by October 1, since that time we have not completed even one additional appropriations bill.

I know the chairman of the Appropriations Committee wants to get these bills to the floor. But instead the leader is scheduling other issues. I am not suggesting the other issues are unimportant, but we have a responsibility to meet a deadline with appropriations bills; and the question is, Where are they, and why are they not being brought to the floor of this Senate?

I do not understand it, nor do most of my colleagues.

If the Committee on Appropriations has finished its work on the bills, why

are they not being debated on the floor of the Senate? If there is an intention to do one, big, continuing resolution, one large omnibus bill, and not have us consider on the floor of this Senate up to six appropriations bills, then the opportunity for a good many Senators to offer amendments and deal with these in a routine legislative way will be lost. I suspect that is what some are wanting to have happen. It is not something that looks like the legislative process as I know it.

Mark Twain once said: The more you explain it, the more I don't understand it. That is the case with these appropriations bills. They are ready. They ought to be brought to the floor, and they ought to be a priority now. I hope the majority leader and others who are doing the scheduling here in the Senate will understand that and bring appropriations bills to the floor.

Mr. President, let me now just talk for a moment about something else that is happening that concerns us. We have an Energy conference. My colleague Senator BINGAMAN spoke on the floor about this yesterday. We have an Energy conference. I am a conferee. I have not been invited to a conference meeting at this point because the Republicans have decided they will not allow Democratic conferees to be a part of the process.

What they are saying is, they will give us the conference report 24 hours ahead of time, and then we will have a meeting. Apparently that is now planned for next week. We were told it was going to be last Saturday, then perhaps a meeting this Monday. Now it will probably be next Friday, and a meeting the following Monday.

In any event, there are a couple hundred pages of that report which have been agreed to by Republicans dealing with very important, very complicated pieces of legislation—the electricity title, the ethanol title—and yet we are told, despite the fact it is now agreed to and completed, that those of us who were never invited to a conference are not allowed to see the conference report.

It is inexplicable to me. It is, in my judgment, a legislative process that is broken. I have told the chairman of the committee on this side, he would not stand for that in a moment. He would be on this floor pointing into the noses of those who are doing it to say that is not the way to legislate. To ask representatives of 49 Senators here in the Senate to simply sit by patiently while a conference occurs and while Democrats are excluded is an arrogance I think that is fundamentally wrong and unsound, and I think it threatens the future of an energy bill. It is the wrong way to get cooperation and the wrong way to write an energy bill.

It seems to me there are good ideas on both sides of the aisle in the Congress, and they ought to be available in a conference, as conferences are usually held, to be able to improve and write a bipartisan energy bill. But,

once again, quoting Mark Twain: The more you explain it, the more I don't understand it.

The fact is, you can talk about this 100 different ways, and there is no justification for two people in the Congress to decide: We are going to convene in a room someplace, shut the door, and tell you what the energy policy is going to be for this country. It risks, I think, the ability to get an energy bill. I believe we need an energy bill for this country's future.

Having said that, Mr. President, let me just talk about another issue that has gotten very little attention but ought to, in my judgment.

The President gave a speech a couple of weeks ago saying he is going to crack down on travel in Cuba, because there is a law against traveling in Cuba.

Inexplicably, Americans cannot travel in Cuba. This country is trying to punish Fidel Castro for his abuses, and I agree with that. But in order to slap Fidel Castro around and punish Fidel Castro, this administration is going to limit the American people's freedom to travel. Oh, the American people can travel almost anywhere else—to Communist China, Communist Vietnam—but you cannot travel in Cuba.

The President gave a speech, I suspect aimed mostly at voters in Florida, saying we are going to crack down on casual travel in Cuba. He did not say "casual travel." But I know it is casual travel because they are chasing retired schoolteachers who rode bicycles in Cuba. They are denying licenses to farm groups who want to go and promote and sell agricultural products in Cuba, part of which is now legal because of an amendment that I and then-Senator Ashcroft got passed in the Senate that became law. But they are trying to stop farm groups from promoting agriculture products in Cuba by denying licensees travel in Cuba.

The President said we are going to have the Department of Homeland Security, which is designed to protect this country against a terrorist attack, exert its resources to clamp down on travel in Cuba. Here is what the Department's Web site says: "The Department of Homeland Security will use intelligence and investigative resources to identify travelers or businesses engaged in activities that circumvent the embargo."

We are going to have the Department of Homeland Security, which is supposed to be protecting us from terrorists, now using investigative resources and also intelligence resources to try to track down people who are traveling in Cuba. They are doing that at the direction of the President.

Well, let me just give as example one of the kind of people they are going to use their intelligence and investigative capabilities to track down: Joan Slote. Joan, as you can see from this picture, rides a bicycle. She is in her mid 70s. She is a Senior Olympian. She joined a

bicycle tour of Cuba with a Canadian group.

She had no idea it was illegal for an American to bicycle in Cuba. But she went there and came back and discovered she was fined \$7,630 by the U.S. Department of Treasury. They slapped her around. Shame on you for bicycling in Cuba. We will fine you \$7,630.

I said to the Department of Treasury's Office of Foreign Assets Control, which is called OFAC: You ought to be ashamed of yourselves. You are supposed to be tracking financial records of terrorists, and you are tracking little old ladies who ride bicycles in Cuba. They agreed, after some embarrassment, to reduce her fine to \$1,900. Then 2½ months after she sent them a check, she got a letter from a collection agency saying they were going to enforce collection, and they were going to begin to take her Social Security payments. This was after she had paid the fine.

But there are more than just Joan Slote. Let me give other examples of whom they are investigating. Cevin Allen decides to take the ashes of his dead father to Cuba to sprinkle on the lawn of the church where his father ministered. It was his father's last request. They fine him for illegal travel to Cuba. That is who Department of Homeland Security now says they will use intelligence and investigative methods to track, people who travel illegally in Cuba, taking your dead father's ashes to sprinkle on the ground in Cuba.

Marilyn Meister, a 72-year-old Wisconsin schoolteacher, she also had a bicycle trip to Cuba. She was fined \$7,500. Donna Schutz, a social worker from Chicago, went on a tour, she was fined \$7,600; Kurt Foster, 77 years old, a World War II veteran, posted on his Web site the schedule for the February annual meeting of the U.S.-Cuba Sister Cities Association in Havana. He never even went to Cuba. But this administration, clamping down on Cuban travel, said Warner was "organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference without a license." He did not attend the conference. And the conference was licensed by OFAC. All he was doing was posting information on his Web site. He was given 20 days to tell OFAC everything he knows about the conference and the organizations that participate in it. He has now hired a lawyer.

What is going on? We are chasing Joan Slote who rode a bicycle in Cuba for thousands of dollars of civil fines, and now the President says we want to use the Department of Homeland Security to investigate and use intelligence resources to identify Americans who travel to Cuba. It is the most preposterous thing. Have they lost all common sense?

I understand the President's announcement. That is pure politics. But ordering the Department of Homeland Security to use precious assets? Do you

know that we inspect less than 5 percent of the 7.6 million containers that come into this country every year on ships. Yet we are going to use Homeland Security assets to track little old ladies riding bikes in Cuba so we can slap a \$7,500 fine on them? It is unbelievable to me. Yet nobody seems to be too concerned about it. We are going to hurt Fidel Castro by limiting the right of the American people to travel.

We have enough votes to lift the travel ban. You can travel virtually anywhere else in the world. I happen to believe the best way to get rid of Fidel Castro is travel and trade. Just as we argue that is the case with Communist China, just as we argue that is the case with the Communist country of Vietnam, it is clear to me that the quickest way to change the Government in Cuba is travel and trade. That Government will not be able to resist the influences of travel and trade. It will undermine it.

But a 40-plus year embargo has failed. It is time to understand that. It makes no sense. I am wondering how many of my colleagues really support this, having the Department of Homeland Security use scarce investigative and intelligence assets to identify travelers who are going to Cuba to ride a bicycle or perhaps to take their dead father's ashes to sprinkle on the church where he ministered. Is that what we should be doing? I think not. Yet the President gives a speech aimed directly at the center of the bull's eye of Florida politics and says: We are going to tighten up. We are getting tough. I will have the Department of Homeland Security investigate and use intelligence to track Americans who travel in Cuba. It is unbelievable.

I hope we can get a vote on this. One of the reasons we may not is we may not get appropriations bills on the floor of the Senate because a half a dozen of them are through the Appropriations Committee and are not being brought to the floor. If they are here, we have a chance to offer an amendment. Without it, when they are put in an omnibus, there will be no amendments. So we will see. If there is in the future some omnibus appropriations bill that is cobbled together by the leadership in the month of October with appropriations bills that have not previously been considered on the Senate floor, we will not be able to. We will be prevented from offering amendments.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

#### HEALTH CARE

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his comments and associate myself with them as well.

As we move through Appropriations Committees, there are a number of important issues that confront us. I rise to speak to the issue of health care and

add my voice to the growing chorus of people who are concerned about our Nation's health and want us to have a sense of urgency about health care.

We have just passed a bill that will allow our tax dollars to be used in Iraq for a universal government-paid health care system for the Iraqis. There are people in the United States asking: What about us; what about making sure each of us has health care as well?

There are businesses seeing their premiums double. The average small business is seeing their premiums double now every 5 years, and that is, in fact, growing even higher. Large businesses, negotiating contracts, find themselves dealing with the issue of health care as the top concern of both the business and employees.

When we look internationally at our ability to compete around the world, the health care system that is tied to employment has created a situation where our large businesses competing in the world are having more difficulties competing successfully in this competitive environment where every dollar counts. We are hearing from unusual places a call for a focus on health care, a focus on a more universal kind of system that will allow us to have the health care we want for our families and our businesses to be able to compete both within our country and around the world.

What is most disturbing is when we look at the numbers in terms of the costs going up and the number of people now without insurance. A new survey by the Kaiser Family Foundation and the Health Research and Education Trust found that employer-sponsored health insurance premiums increased almost 14 percent this year. This is the seventh straight year of premium increases and the largest increase since 1990. Premiums now average over \$9,000 a year for the typical family health insurance policy. And for an individual, it is \$3,383. Rising premiums are placing a very heavy financial burden on our families and are making it increasingly difficult for families to find and afford health care.

Because there is no successful plan to stimulate the economy right now, we are seeing more and more Americans go without health care and other basic needs. According to a recently released U.S. Census Report, the number of Americans without health insurance has jumped by 5.7 percent to almost 44 million people. That equals the populations of 24 States plus Washington, DC. Think about that. The number of people who are uninsured now equals the population of 24 States and Washington, DC. If this is not a crisis, if we do not need a sense of urgency, I don't know when we will, when we look at what is happening.

Families U.S.A. has done their 2001-2002 survey and determined that in Michigan 2.3 million Michiganians under age 65 went without health insurance sometime within that year. That means one in four people in my

great State of Michigan, under the age of 65, went without health care during this time period. This is not acceptable and we need a sense of urgency about these issues.

Who are these people? Well, the majority of them are working. Actually, more than 80 percent of the uninsured live in working families. The majority of those who are uninsured are working. So this is a small business issue. This is an issue of people who are working but are not in businesses that can afford health insurance themselves for their employees, which is why we need to tackle this issue working with our small business community as well as our large business community.

When one member of a family is uninsured, it can affect all of the family and their quality of life. We know many young people going out into their first jobs are not insured and run a high risk of something happening and of their not being able to deal with it in a productive way.

One of my major concerns right now, as we move forward in the work on a Medicare prescription drug benefit, is that we not forget that there are important parts of cost containment in that legislation that would affect all of those who need health insurance, or have health insurance. We know that about half of the reason the cost of insurance premiums is going up for businesses right now is because of the cost of prescription drugs.

So one of the primary ways we can help businesses to be able to afford health insurance and be able to provide more opportunities for people to have health insurance is to lower the price of prescription drugs. The average prescription brand name drug is going up faster than three and a half times the rate of inflation. So when we look at what we are debating right now under Medicare, there are two very important focus areas for us. One is to eliminate patent loopholes that stop patents from coming to an end and allow lower cost, unadvertised brands to be able to go on the market through our generic drug process.

We passed a bipartisan bill in the Senate not once but twice since I have been here in the last 2½ years. This needs to be passed by the entire Congress and put on the President's desk this year, whether it is part of the Medicare conference report or whether it is done separately.

We also know that if we create more competition by tearing down this artificial border which doesn't allow Americans to purchase safe FDA-approved prescriptions from other countries, particularly Canada, where we know their supply chain and safety processes are virtually equivalent to ours, if we do that, we can also create great competition to lower prices.

There are a lot of stories right now in the paper about concerns about the safety of prescription drugs at home as well as abroad—legitimate issues that deal with what is happening with